

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,

v.

FARHAAD RIYAZ,

Defendant

No. 1:21-cr-264-LMB

**MEMORANDUM IN SUPPORT OF DEFENDANT'S UNOPPOSED
MOTION TO ACCEPT RESTITUTION PAYMENT**

Defendant Farhaad Riyaz moves this Court to direct the U.S. Clerk's Office to receive Defendant's restitution payment, even though the Court has not yet issued a judgment. The government does not oppose this motion.

I. Dr. Riyaz is awaiting sentencing.

On December 9, 2021, Dr. Riyaz entered a plea of guilty to a one-count Information charging mail fraud per 18 U.S.C. § 1341 (Dkt. 7), pursuant to a written plea agreement. Dr. Riyaz was placed on conditions of release, and the sentencing date is currently scheduled for March 22, 2022. Dr. Riyaz and the undersigned counsel anticipate that the Court will order restitution as part of the judgment. Dr. Riyaz desires to pay the anticipated restitution amount prior to sentencing, and he currently has the ability to do so.

II. Dr. Riyaz anticipates a restitution order.

During pre-plea negotiations with the United States, the government identified an amount of restitution, or potential restitution, pursuant to the underlying facts that support the plea of guilty in this case. The amount of stipulated "loss" or restitution is at least \$312,964.38, which is stated

in the Plea Agreement filed with the Court (Dkt. 9). Dr. Riyaz takes full responsibility for his actions, and he desires to pay the identified amount of restitution now.

Although the parties recognize that the Court will determine the amount of restitution, Dr. Riyaz seeks to pay the amount of restitution identified in order to complete the payment thereof now, rather than having the government undertake additional efforts to collect restitution.

III. Dr. Riyaz's payment will not be accepted absent a court order.

Title 18, United States Code Section 3663 addresses orders of restitution, yet it does not provide specific direction as to a payment in anticipation of a restitution order. The Clerk's Office has informed Dr. Riyaz that it will not receive a pre-judgment payment into the Court's registry or in any other manner absent an order from the Court.

IV. Dr. Riyaz wants to make anticipated restitution in full.

Although Dr. Riyaz understands that the Court will decide any restitution amount, and that the Court can take into consideration factors listed in 18 U.S.C. § 3664, Procedure for Issuance and Enforcement of Order of Restitution, Dr. Riyaz desires to make a payment of the full amount of anticipated restitution now if the Court so allows.

CONCLUSION

Therefore, Dr. Riyaz respectfully moves this Court to direct the Clerk's Office to receive a restitution payment from Dr. Riyaz prior to the Court's judgment, to be applied to any restitution that would be ordered by the Court.

Dr. Riyaz prays that this Court will order his restitution payment to be received prior to sentencing.

Dated: February 28, 2022

Respectfully submitted,

/s/ Joshua Siegel

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Counsel for Farhaad Riyaz

CERTIFICATE OF SERVICE

I certify that on February 28, 2022, a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system, which will send a copy to all counsel of record.

Dated: February 28, 2022

/s/ Joshua Siegel

Joshua Siegel
Daniel Grooms (*pro hac vice*)

Counsel for Farhaad Riyaz